

REMARKS

Applicants have carefully reviewed the Office Action dated December 4, 2003. Claims 1-30 are pending in this Application. Applicants have amended Claims _____ to more clearly point out the present inventive concept. Reconsideration and favorable action is respectfully requested.

Claims 1 and 16 are objected to because of the following informalities. Claims 1 and 16 have been amended in accordance with the Examiner's suggestions.

Claims 1-5, 10-11, 15-20, 25-26, and 30 stand rejected under 35 U.S.C. 103(a) as being unpatentable over *Metz et al.*, in view of *Birdwell et al.* This rejection is respectfully traversed with respect to the amended claims.

The Examiner has added the *Birdwell et al.* reference for the purpose of curing the deficiencies in *Metz et al.*, which were described in previous responses, associated with a user ID that is associated with a download and which is removed from the download after downloading thereof. The purpose of this is to prevent re-transmissions. The *Birdwell et al.* reference is believed to operate considerably different than Applicant's system is set forth in the claims previously amended.

The Birdwell reference is a reference that provides a serviceability to download information and, when the information is downloaded, a "download ID" is associated with that software. The purpose of this download ID is to allow the receiving station to "strip" this download ID from the transmission and utilize this download ID for the purpose of confirming back to the server that the information was received. The software, when transmitted, actually associates therewith the identification of the clients that are to receive the data. Therefore, when software is transmitted, the server determines which packages are to receive data, this being done in response to a "request download" transmission received from a client. The software is assembled and transmitted to the clients on a broadcast channel. The clients are apprised of this transmission ahead of time and are told which channel to switch to for the

AMENDMENT AND RESPONSE

S/N 09/417,863

Atty. Dkt. No. PHL-24,767